



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 11, 1998

Mr. Kevin Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-1890

Dear Mr. Pagan:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117518.

The City of McAllen (the "city") received a request for various offense reports. The city released three of the reports, but asserts that the remaining records are protected from disclosure under former section 51.14(d) of the Family Code and also under section 552.108 of the Government Code.

Former section 51.14(d) of the Family Code provided that law enforcement files and records pertaining to juveniles are generally confidential. Former section 51.14 governs law enforcement records and files pertaining to conduct that occurred before January 1, 1996. Open Records Decision No. 644 (1996). The conduct in each of the offense reports at issue occurred prior to January 1, 1996. We agree that the offense reports pertaining to conduct by juveniles is confidential under section 51.14 and may not be released.

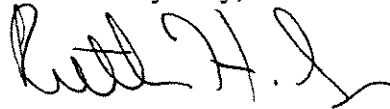
We note that two of the reports concern 1993 incidents that do not appear to be protected under section 51.14. Section 51.02 of the Family Code provides that the protection granted for juvenile records held by law enforcement extends to acts committed when individuals are at least ten years of age and under 17 years of age. The 1993 reports concern the actions of an individual who was 17 at the time. Since the two 1993 reports are not protected from disclosure under section 51.14, we address your arguments under section 552.108 of the Government Code.

You assert that the reports are protected from disclosure under section 552.108, but do not explain the applicability of the exception to these records. Thus, section 552.108 does

not protect the 1993 reports from disclosure. We note, however, that section 552.130 protects from disclosure the driver's license number that is listed on the reports. The 1993 reports, with the driver's license number on both reports redacted, must be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117518

Enclosures: Submitted documents

cc: Ms. Minerva Ibarra
3201 N. 20th Street
McAllen, Texas 78501
(w/o enclosures)